

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 8th day of September, two thousand eleven,

John Montalvo, Marion S. Mishkin, of counsel Notice of appearance to Sacks & Sacks, Phyllis Costarella, Joseph Falcone, Lenny Dinotte, Cliff Carty, Kathleen Carty, Joseph Scaramuzzino, Kelly M. Miller, Lawrence Ford, Blanca Goffredo, Frank Goffredo, Bernard Stinchcomb, Christine Stinchcomb, Christine Johnson, Robert Johnson, Jr., David Nolan, Louise Nolan, Robert Panarella, Herbert Pate, Francis Lavery, Kathryn Lavery, Arlene McGillick, Jon J. McGillick, Dewardranth Samaroo, Donald Carson, Gloria Elaine Carson, Andrea Cavicchio, Nicola Cavicchio, Jason Porcaro, Robert Ayers, Dean Curti, Jessie K. Horton, Lawrence Horton, Kevin O'Brien, Patricia O'Brien, Susan Medaglia, Diane Hoch Sankey, Lionel Payette, William J. Sankey, Michelle Payette, Jerry O'Connor, Ingrid Quagliariello, Victoria O'Connor, Vincent Quagliariello, John Quinn, Lois Rice, Donald G. Thompson, Frank Silechai, Renee Thompson, Frank Squicciarini, Daniel Leonard, Michelle Squicciarini, Laura Leonard, Anthony Compono, Delia Becca, Sheila Compono, Lance Becca, William Favata, Gregory A. Forsyth, Michele Hardin, John Jackson, Robert Hardin, Tomiann Jackson, Jimmy Rosario, Donna Haskell, Toni Rosario, Frank Haskell, Leonard Schmitt, Christine Placide, Virginia Schmitt, Larrie Placide, John McLees, Ann Marie Duignan, Lenore Rauscher, Patrick Duignan, Philip Rauscher, Michael Macko, John C. Sondey, Jill Miskanic, John Baiano, John Miskanic, John Bonvicino, Andrea McDonough, John Bou, David McDonough, Douglas Anderson, Walter Jensen, Daniel Simon, Thomas Doherty, Theresa Simon, James Checco, Richard Fritz, Judy Checco, Adam J. Vilagos, Jean Imperato, Yvonne Vilagos, Joseph Imperato, George Morales, Lane Metro, Charles Piotrowski, Nancy

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Snyder, Gregg Weisenburger, Alexis Solomon, Michael Welsh, John Pankey, Theresa Welsh, Rafael Garcia, individually and as representatives of a class of individuals similarly situated, John J. Quinn, Attorney, John Lombardi, individually and as representatives of a class of individuals similarly situated, Kenneth J. Strohl, Hasan A. Muhammad, individually and as representatives of a class of individuals similarly situated, Yajaira Strohl, Roberto Ramos, Jr., individually and as representatives of a class of individuals similarly situated, Arlene Montalvo, Michael R. Basile, Richard Mighdoll, Thomas E. Carlstrom, Colleen Ryan, Kathy O'Neill, J. Richard Ryan, Robert O'Neill, Richard Ryan, Telma Alvarado, Frank Maisano, Robert Asinelli, Julie Maisano, Susan Asinelli, Arthur S. Davis, Carol Barnes, Theresa A. Davis, James S. Barnes, Jo Andrusyczyn, Daniel Danzi, Stanley Andrusyczyn, Gabriel Masaracchia, Hector Rivera, Sharon Danzi, Joseph Bellissimo, John DiFalco, Carl Fisher, Dorothy Rohr, Jon Marie Fisher, Nancy DiFalco, Patrick Donaghy, John Rohrbeck, Susan Allison, Agustin Diaz, Richard Allison, Daniel Doll, Juan Cubero, Lisa Doll, Rosa Cubero, John Glynn, Jeanne Kolarik, Mary Glynn, Mark Bernheimer, Sharon Sellick, Arthur Alessandro, Gary Grisolia, John Delaney, Joseph Aridzzzone, Patrick D'Alliegro, Joann Grisolia, John Botte, Bruce Groth, Cynthia Shelto, Donna Groth, Allen Andersen, Charles Haver, Sue Ann Andersen, Lori Haver, Cecelia Borcharding, Jo Ann Lavery, Stephen Borcharding, Manuel Luna, Marcia Diaz, Jessica Macaluso, William Diaz, Daniel Mahlmann, Charles La Barbera, Tracey L. Mahlmann, Catherine Langerin, Bryan McElwain, Philip J. Pfersching, Felicia McElwain, Kevin Reynolds, Carolyn McGuire, Lisa Reynolds, Robert McGuire, Joseph Cardinale, Jane McKenna, Teresita Cayatano, John McKenna, Robert Intartaglia, Joann MCMahon, Christopher Romanski, John MCMahon, Raymond Fuscaldo, Sharon Brenseke, Donna Donnelly, Steven Brenseke, Dorothy Foris, Christine Comerford, George Foris, John Comerford, Jacqueline Cacchioli, Edward Donnelly, Louie Cacchioli, Linda Donnelly, Patricia Agugliaro, James Fusco, Anthony Agugliaro, John Mills, Alfred Gaillard, Margaret Mills, Ernest Medaglia, Jennifer Morales, Nicholas Morales, Adilline Navarro,

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 Abdelrehim, Hala Abdelrehim, Leonard Abruzzese,

Caryn Abruzzese, Albert Acierno, Holly Acierno, Peter Acquaro, Kathleen M. Acquaro, Guiseppe Acquista, Robert Adams, Lahissi Adetayo, George Affatato, Lois E. Affatato, Emmanuel Agostini, Calogero Agro, Rosa Agro, Carmelo Agro, Steven Agugliardo, Nicole Agugliardo, Robert Aguirre, Patricia Aguirre, Inderpaul Ahluwalia, Manjeet Ahluwalia, Nasar Ahmed, Okpara Akil, Ronnita Akil, Vivencia Alaimo, Serafina Alaimo, Anthony Albert, Sylvester Alexander, Debora Alexander, Victor Alexander, Geraldine Alexander, Jane Alfano, Darren Alicea, Clifford Allen, Josephine Allen, Kevin Allen, June Allison, Raul Allivar, Anthony Alloggio, Catherine Alloggio, Orlando Almodovar, Julio Alonzo, Neil Alper, Jorge E. Alulema, Robert Alvarado, David Alvarado, Sonia Alvarado, Lynn Alvarez, Doria S. Alvarez, Jaime Alvarez, Maria Alvarez, Carlos Alvarez, Saul Alvarez, Santiago Alvear, Jorge Alvlema, Glenda Ammon, Louis Ancona, Anthony Anderson, Orenthal Anderson, Gregory Anderson, Nicole Anderson, Joseph Anderson, Andrea Anderson, Mortimer Anderson, Camile Anderson, Courtney Anderson, Mark Andrus, Pino Anselmo, Rita Anselmo, Stewart Anspach, Nick Antico, Anna Antico, Peter Antienne, Evanie Antine, Richard Antonacci, Robert Anzalone, Ann Marie Anzalone, Joseph Anzueta, Jose Aponte, Noemi Aponte, Vincent Aprea, Krista Aprea, Courtney Aquart, Lillieth Aquart, John Arciuolo, Celia Arciuolo, Arenas Arenas, Jhonson Arichabala, Dagoberto Aristizabal, Alexandra Aristizabal, Enid Aristizabal, Joseph Arlotta, Kimberly Arlotta, Thomas A. Arlotta, Romulo Armas, Claude Armstrong, Laura Armstrong, Danny Aroyo, Theresa Arroyo, Lisa Asaro, Joseph Asciolla, Francine Asciolla, Wilmer Astudillo, Maria I. Astudillo, Marcelo Atencia, Frank Auditore, John Auer, Jules Auguste, Clyde Augustine, Portia Augustine, Fitzroy Augustus, William Ausby, Thomas Avery, Linda Avery, David Aviles, Anna Aviles, Lawrence Ayers, Patricia Ayers, Victor Azubike, Tekrishia Azubike, Thomas Bacchi, Irene Bacchi, Fabiola Baez, Raul Baez, James Bahrey, Lauranne Bahrey, Santo Baisi, Alfred Baker, Candiace Baker, Chris Balabous, Rosanne Baldo, Krishendath Baliraj, Olga Baliraj, Joseph Barbato, Joseph Barbera, Virginia Barbosa, Stalin F. Barccoulong, Michael Barker, Raymond Barksdale, Elizabeth Barksdale,

Andrew Barone, Ann Marie Barone, Sergio Barragan, James Bartlet, Yudelka Bartlet, Guillermo Barzola, Wilbert Bascom, Setna Bascom, Anthony Basic, Thomas Basmagy, Nancy Basmagy, Harry Bass, Maria L. Bass, Julio Bastidas, Max Bataille, Jr., Linda Battle, Richard Battle, Frank Bauman, Alise L. Bauman, Christopher A. Bauman, Hanfort Bautista, Patrick J. Beatty, James Beck, Christine Beck, Paul Beck, Tinel Bedford, Leonard Beecher, Fanny Bejarano, Theadore Belgrave, Amy Beller, Timothy Bellew, Kathleen A. Bellew, Dimitrios Bellos, Martin Belmonte, Eileen Belmonte, Xavier Beltran, Florinda Benavidez, Lori Bencivenga, Thomas L. Bencivenga, Rose Marie Bencivenga, John Benedetto, Theresa Benedetto, Vinny Benenati, Cindy Benenati, Andrew Benfante, Shirley Benfante, Reynaldo Benitez, Richard Benn, Ann Benn, Carlos Bennett, Donna Bennett, Peter Bergin, Susan Bergin, Erick Bermudez, Frank Beshears, Diane Bethea, Idris Bey, Michael Bianchino, James A. Bianco, Terry Bianco, Vito Bianco, James Bieselin, Lorraine K. Bieselin, Joseph F. Biella, Roseann Bilella, Robert Bilella, Maureen Bilella, Vincent Bilella, Martin Bilinski, Catherine Bilinski, Kampta Bishun, Hassena Bishun, Peter Bishun, Elizabeth Bishun, John Black, Patricia Black, Joseph Black, Veronica E. Black, Leon L. Blackwell, Jorge Blanco, Dora Blanco, Leroy Blount, Eleanore Blount, Thomas Blumbergs, Kevin Bobe, Nicholas P. Bolobanic, Joy H. Bolobanic, Anthony Bombace, Jean Bombace, Jay Bomser, Daniel Bonanno, Frank E. Bondeson, Kathleen Bondeson, Edward Smith, Dennis M. O'Connor, Nicholas Lusuriello, Thomas M. Flanders, 22 Non-Resp, Darlene Montalvo, Paula Raehse, Daniel DeGiovine, Joette DeGiovine, All Plaintiffs, Harold Valencia, Natalie Valencia, Daniel Taylor, Lynn Taylor, Teresa Hartley, Robert Zane, Albert Pearce, Robert Suarez, Antonio E. Alves, plaintiff in matters 05-cv-7266 & 05-cv-2716, Maria E. Alves, plaintiff in matters 05-cv-7266 & 05-cv-2716, Raymond Hauber, in his representative capacity as executor of the Estate of Raymond Hauber, now deceased, Martin Accardi, Patsy Adovasio, Robert Alfano, Jack Allen, Neil Ambrosio, Anthony Amoroso, Dennis Anderson, Edward Anderson, Louis Angelone, Jeffrey Anstead, Victor Armaniaco, Michael Arriaga, Robert Ascolillo, Shawn Ashe, Brian Autz, Gerard

Baccari, Joseph Baccari, Jonathan Backof, Rafael Badillo, Thomas Barry, William Bartholomew, William Battcock, Patrick Battle, John Baum, Lawrence Bealer, Richard Beauchamp, Stanley Becton, Remo Belloi, Phil Benigno, Robert Bentkowski, Robert Bergin, Richard Berkhourt, Bruce Beschner, William Biggin, Joseph Biserta, Richard Blatus, Rick Bonadies, John Bonadio, Emil Borg, Thomas Borsare, Michael Bosco, James Boylan, John W. Boyle, Craig Brannan, Dennis Brantley, John Braunagel, Anthony Britton, Stephen C. Brown, David Bruno, David Bryant, Joseph Bryant, John Buhler, Michael Burke, Michael B. Burke, Thomas Burke, Timothy Burke, William T. Burke, Barbara Burnette, John Byrne, William Byrnes, James Caddell, Glen Cairney, Eugene Cairns, John Caliendo, Gerard Callahan, Thomas Callahan, Kevin Callan, Joseph Camastro, Philip Cappadora, Ralph Caramanica, Steven Carlino, Craig Carlsen, John Carlucci, Thomas Carney, Dominick Carone, Daniel Casey,, Peter Casey, William Casey, Anthony Castano, Michael Catalano, Glenn Catanzaro, Peter Catherall, John Cavaliere, Jack Cavendish, Frank Chara, James Checco, Peter Chiodo, Steven Cipaldo, Walter Clark, Angelo Cocciolillo, Edward Collins, Richard Collyer, Rolando Colombani, Carmelo Composto, John Condon, Robert Condon, David Connolly, Sean Connolly, Shamus Connolly, Michael Conroy, Patrick Conroy, Robert Cook, Joseph Cooney, Clint Corbett, Frank Corona, Fred Cortese, James G. Cosgrove, Paul Coslett, Andre Cox, Harry Coyle, Gary Crayton, Edward Cunn, Kevin Cunnane, Donald Curaba, Dominick Curci, Thomas Curran, John Curtin, Edward Curtis, Steven Cychan, Kevin Czartoryski, Anthony Dabnis, Michael Daly, Anthony D'Amore, Michael Davis, Rocco DeBenedetto, Jean Marie DeBiase, Keith Decaro, Rodney DeCuffa, Christopher Delgiorno, Peter Delorme, Thomas Delpino, David Delvalle, Frank Denver, Anthony DePellegrin, Kevin Dermody, Patrick Devaney, Keith Devenish, Douglas Diem, Michael Dilena, John Dimino, Peter Disalvo, Eileen Divietri, Thomas Doherty, John Dolan, Daniel Donoghue, Kenneth Donovan, Richard Donovan, John Dorre, Thomas Dowdell, Dennis Downes, Steven Doyle, Richard Draves, Andrew Duffy, Stephen Duffy, William Dunleavy, Peter Dunn, Thomas Dunn, Vince Dunne, John Durkin, Wayne Dutton,

Stephen Eagers, Joseph Eduardo, Anthony Edwards, Jeffrey Ehret, Igor Elbrukh, Kevin Erdman, Michael Esposito, William Esposito, Robert Essex, Paul Falla, John S. Farrell, William G. Farrell, Robert Fasano, Thomas Fay, Carl Feilmoser, Michael Fenick, John Ferrari, David Ferrero, James Ferretti, Rocco Fertoli, Neil Filipowicz, Charles Fisher, Robert Fitzgibbon, Michael Fitzmaurice, Charles Flood, Joseph Flynn, Robert Ford, Frederick Fowler, Thomas Foy, John Frawley, Bruce Fritz, Steven M. Fucile, Philip Gaetani, Robert Galione, James Gallagher, John Gallagher, Kevin Gallagher, Jr., Thomas Gannon, Gregory Garaizar, Thomas Gathmann, Robert Gaun, Frederick Gavitt, Thomas Gavitt, Carl Gelardi, Vincent Gergenti, Robert Gernon, William Gerondel, Louis Giaconelli, Clifford Gibbs, Hugh Giffords, Thomas Gillam, Patrick Gilley, Kevin Gilligan, Mary Ellen Ginther, Frank Giordano, Richard Gleave, John Gleeson, Brian S. Glenn, Matthew Gold, Michael Golino, Manuel Gonzalez, Steven Gonzalez, Chris Gorman, James Gormley, Keith Gough, Robert Gray, Michael Greene, Brian Grogan, William Gugel, Jason Guido, Neil Halpin, Michael Hanna, William Hansen, Douglas Hantusch, Kenneth Haring, James Harris, John Hartmann, Doug Harvan, Scott Hawkins, Sean Hayes, Edward Hefele, Frederick Heffel, Rudolph Hein, John Helrigel, James Hennessy, Rolf Hettinger, Edward Higgins, Keith Higgins, Steven Hintze, Terrence Hirten, Joseph Hodges, Steven Hoehlein, Daniel Hogan, Kevin Hogan, Patrick Holahan, Scott Holowach, Kevin Holtje, Steven Homan, Lawrence Horton, Robert Horvath, James Hosford, Robert Hosie, Joseph Hoyt, Juana Huitron, Joseph Hunt, Charles Ingrassia, Thomas Irizarry, Eric Iversen, James Jackson, Richard Jackson, Robert Jackson, Joseph Jankunis, Thomas Jasinski, Anthony Jimenez, Joseph Jirovec, Paul Jonali, Richard Jones, Hal Joseph, Timothy Karp, Stuart Keane, Stephen Kearns, John Keating, Adrian Keenan, Michael Keller, Steven Keller, Kevin Kelly, Sean Kelly, David Kelnhofer, John Kennedy, Brian Kenny, Sean Kenny, Sean Kern, Michael Kilduff, Christopher King, David King, Michael King, Neal King, Ronald Kingsley, Ken Kirby, Steven Klein, William Kline, Robert Knudsen, James Kobetisch, Anthony Konczynski, Gerard Kriloff, Mark Kurtz, Daniel Kurtzke, Steve Kwinter, Nicholas

Ladisa, John Lafemina, Gary Lamb, Thomas Langan,
 Timothy Langner, John Lapadula, Charles Larocchia,
 Patrick Lauro, Mark Lavardera, Brian Lavin, Glenn
 Lawson, Arthur Leacock, Alan Levine, William
 Ligarzewski, Garret Lindgren, Joseph Liselli, David
 Lohle, Anthony Lombardo, Stephen Lombardo, Keith
 Long, Salvatore Loscuito, Doug Lotten, Rance
 Louallen, Nicholas Lucenti, Chris Lufftman, Kevin
 Lynch, Larry Lynch, Thomas Lynch, James Mager,
 James Maguffin, Daniel Maher, Brian Malloy, John C.
 Maloney, Robert Maloney, Thomas Maloney, Joseph
 Mangravito, Reginald Manley, Jane Mantone, Frank
 Marino, Peter Marino, Charles Markey, George
 Marshall, Kevin Martin, Patrick Martin, Vincenzo
 Mastropasqua,, Anthony Mauro, John Mayo, Phillip
 Mazzella, Anthony Mazzullo, Kevin McAdams, Dennis
 McCarroll, Daniel McCluskey, Robert McCormack,
 Robert McDevitt, Ronald McDonnell, Kevin McEnery,
 Kevin McEntyre, Eugene McGowan, Daniel McKay,
 Joseph McKay, John McKean, Joseph McKeon, Craig
 McLoughlin, James McLoughlin, Paul McMenamy,
 John McNamara, Robert McNicholas, Kenneth McNiff,
 Kevin McQuilly, Edward McVey, Robert Meaney,
 Eugene Meehan, Anthony Migliore, Gordon Miles,
 Peter Milisci, James Mills, Michael Minnock, Thomas
 Mitchell, William Mitchell, Henry Molle, Anthony
 Monaco, Joseph Montaperto, Gregorio Morales,
 Raymond Moran, Paul Morongello, Francis M.
 Morrissey, Katharine Moseley, Michael Moskowitz,
 Timothy Moynihan, William Mudry, Thomas Mullen,
 Gerard Murnane, Kevin Murphy, Thomas Murphy,
 Timothy Murphy, Edward Murray, Stephen Naso,
 Lawrence Naughton, Victor Navarra, Matthew Neary,
 Victor Nicholasi, Gareth Nielsen, Edward Nietzsche,
 John Nietzsche, Steven Nuzzo, Kevin M. O'Brien,
 William O'Brien, Michael O'Connell, Michael
 O'Donnell, Daniel O'Donovan, Stephen O'Hagan,
 Richard Olsen, Matthew Olsziewski, John O'Malley,
 Thomas O'Meara, Gerard O'Riordan, John Orosz,
 Steven Orr, Daniel O'Shea, Daniel O'Sullivan, Joseph
 O'Toole, Troy Owens, Michael Owey, Thomas Paige,
 Liborio Palmeri, Joseph Palmieri, Keith Palumbo,
 Joseph Parise, Gregory Patsos, Richard Paulan, Jack
 Paultre, Bruce Peat, Edward Pecoroni, Robert A.
 Pennacchia, Ralph Pepe, Neftali Perez, Frank Perrone,

Michael Perrotta, Peter Phalon, Raymond Phillips, Emanuel Piazza, Vincent Piccolino, Robert Piuggi, Joseph Pizzo, David Planken, Casey Politi, Arthur Poore, William Porter, Gerard Poulin, III, John Poulos, Paul Primavera, Joseph Proscia, Carl Punzone, Daniel Purcell, Mark Qualben, Frank Quigley, George Quinn, Albert Quinones, Peter Quintalino, John Raehse, Miguel Ramos, Dominick Randazzo, Eugene Reaccuglia, Gerard Redmond, Timothy Reid, Michael Reilly, Michael Rendino, Aisha Ricca, Steven Rios, Alfredo Rivera, Jeffrey Roberts, Antonio Rodriguez, John Rokee, David Rowan, James Ruffino, Phillip Ruggiero, David Russell, James Ryan, Patrick Ryan, Anthony Salerno, Michael Salica, James Sandas, Michael Sapienza, Louis Sarapochillo, Michael Scanlan, Ralph Scerbo, Robert Schildhorn, Gene Schramm, Christopher Schroeder, John Schroeder, Robert Schuff, John Schulken, Fred Schwarzrock, Mark Schweighardt, Gregory Scott, John Seiler, Daniel Seller, Mark Serokosz, Wayne Sforza, Paul Shannon, Richard Shannon, Gary Sharkey, Robert Shenefield, Daniel Shortell, Frank Sialiano, Gary Slattery, David Smith, Peter Smith, William T. Smith, Vincent Sobal, Joseph Sorrentino, Frank Spaldo, Phillip Spina, Vincent Spinelli, Joseph Spitalieri, Joseph Spruill, Jr., Donald Spurrell, Michael Steel, William Steinbuch, III, Leon Stephenson, Michael Stevenson, Gregory Straub, Kenneth Stromstedt, Charles Sullivan, John P. Sullivan, Patrick Sullivan, John Susco, Michael Suwalski, William Sweeney, Eric Szillus, Thomas Szillus, Patrick Tarpey, Anthony Tavoulareas, Raymond Thomas, Oscar Thompson, Ira Thorner, Charles Todd, James Toshach, Michael Trahan, Robert Trascoy, Robert Traver, Michael Triglianios, Matthew Tringali, Alfred Trinidad, Joseph Tripptree, Wayne Trivelli, Frank Trosa, Charles Truncale, John Turkus, Charles Uihlein, Jr., John Urbanski, Jacinto Urbino, James Urkonis, Thomas Vanasco, Steven Vano, Peter Velloza, Adam Vilagos, Dominick Vincenti, Frank Visco, Charles Wahren, Daniel Walker, Herbert Walker, Stephen Wall, James Walsh, James Watterson, John Wegenaar, Robert White, Charles Wiemann, Brian Williams, Donald Wilson, Ronald Wilton, Peter Wolf, Nicholas Wowk, Joseph Woznica, Robert Wright, John Zaccaria, Patrick Zoda,

Plaintiffs - Appellees

v.

City of New York, AMEC Construction Management, Inc., AMEC Earth & Environmental, Inc., Bovis Lend Lease LMB, Inc., Evergreen Recycling of Corona (E.R.O.C.), Turner/Plaza, A Joint Venture, A Russo Wrecking, Inc., Plaza Construction Corp., Atlantic-Heydt Corporation, Tully Construction Co., Inc., Berkel & Company Contractors, Inc., Turner Construction Company, Big Apple Wrecking & Construction Corp., Board of Education of the City of New York, Breeze Carting, Inc., Breeze National, Inc., Brer-Four Transportation, Buro Happold Consulting Engineers, PC, C.B. Contracting Corp., Canron Construction Corp., Component Assembly Systems, Inc., Cord Contracting Co., Inc., Dakota Demo-Tech, Diamond Point Excavating Corporation, Diversified Carting, Inc., DMT Enterprise, Inc., E. J. Davies, Inc., Eagle One Roofing Contractors, Inc., En-Tech Corporation, Ewell W. Finely, P.C., Executive Medical Services, P.C., Fleet Trucking, Inc., Francis A. Lee Company, FTI Trucking Corp., Gilsanz Murray Steficek, LLP, Goldstein Associates Consulting Engineers PC, Hallen Welding Service, Inc., HP Environmental, Inc., Hudson Meridian Construction Group LLC, J.P Equipment & Rental Materials, L.L.C., La Strada General Contracting Corp., Laquila Construction, Inc., Leslie E. Robertson Associates , R.L.L.P., Liberty Mutual Insurance Company, Lockwood Kessler & Bartlett, Inc., Lucius Pitkin, Inc., LZA Technology, a division of Thornton Tomasetti, Manafort Brothers Incorporated, Mazzocchi Wrecking, Inc., Moretrench American Corp., MRA Engineering P.C, Mueser Rutledge Consulting Engineers, Nacirema Industries Inc., New York City Department of Education, New York City School Construction Authority, New York Crane & Equipment Corporation, Nicholson Construction Company, Peter Scalamandre and Sons, Inc, Pinnacle Environmental Corporation, Pro Safety Services Inc., PT&L Contracting Corporation, Robert L. Gerosa, Inc., Robert Silman Associates, P.C.,

Rodar Enterprises, Inc., Royal GM Inc., SAB Trucking, Inc., Safeway Environmental Corporation, Semcor Equipment & Manufacturing Corporation, Silverite Contracting Corporation, Simpson Gumpertz & Heger, Inc., Skanska Koch, Inc., Skidmore Owings and Merrill, L.L.P., The City University of New York, Thornton Tomasetti, Inc., Total Safety Consulting, LLC, Tucci Equipment Rental Corporation, Vollmer Associates LLP, Weeks Marine, Inc., Weidlinger Associates P.C., Wolkow Braker Roofing Corporation, WSP Cantor Seinuk, Yannuzzi & Sons, Inc., Yonkers Contracting Company, Inc.,

Defendants - Appellants.

The parties in the above-referenced case have filed a stipulation withdrawing this appeal pursuant to Local Rule 42.1. Each party has submitted a separate electronically signed counterpart reflecting the negotiated terms of the stipulation.

The stipulations are hereby "So Ordered".

For The Court:

Catherine O'Hagan Wolfe,
Clerk of Court



A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

